



## Law and Justice Interim Committee

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### 64th Montana Legislature

#### SENATE MEMBERS

SCOTT SALES--Chair  
DIANE SANDS--Vice Chair  
DOUG KARY  
SUE MALEK  
MARY SHEEHY MOE  
NELS SWANDAL

#### HOUSE MEMBERS

JENNY ECK  
ELLIE BOLDMAN HILL  
SARAH LASZLOFFY  
STEVE LAVIN  
DALE MORTENSEN  
CAROLYN PEASE-LOPEZ

#### COMMITTEE STAFF

RACHEL WEISS, Lead Staff  
JULIANNE BURKHARDT, Staff Attorney  
KRISTINA LIMING, Secretary

# MINUTES LOG

September 30, 2015  
Room 102, Capitol Building  
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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### **COMMITTEE MEMBERS PRESENT**

SEN. SCOTT SALES, Chair  
SEN. DIANE SANDS, Vice Chair

SEN. DOUG KARY  
SEN. SUE MALEK  
SEN. MARY SHEEHY MOE  
SEN. NELSON SWANDAL

REP. JENNY ECK  
REP. SARAH LASZLOFFY  
REP. CAROLYN PEASE-LOPEZ

### **COMMITTEE MEMBERS ABSENT**

REP. ELLIE BOLDMAN HILL  
REP. STEVE LAVIN  
REP. DALE MORTENSEN

**STAFF PRESENT**

RACHEL WEISS, Lead Staff  
JULIANNE BURKHARDT, Staff Attorney  
KRISTINA LIMING, Secretary

**VISITORS' LIST**([Attachment 4](#))

**AGENDA**([Attachment 2](#))

**CALL TO ORDER AND ROLL CALL**

00:00:01 Sen. Sales called the meeting to order at 8:02 a.m. The Secretary called the roll.  
([Attachment 5](#))

**SJ 24: STUDY OF SEXUAL ASSAULT IN MONTANA**

**Panel 7: Indian Country Jurisdictional Challenges**

Danna Jackson, Assistant U.S. Attorney for the District of Montana  
Yvonne Laird, Tribal Prosecutor/Special Assistant U.S. Attorney, Fort Belknap Indian  
Community

00:01:11 Ms. Jackson

Committee Questions of Ms. Jackson:

00:09:39 Sen. Sales asked about Salish Kootenai jurisdictional issues.

00:11:55 Rep. Pease-Lopez asked how often the grand jury responds that the prosecutor  
doesn't have enough evidence.

00:15:32 Ms. Jackson continued her presentation.

Committee Questions of Ms. Jackson:

00:22:16 Sen. Sands asked about non-native men committing sexual assault on  
reservations. She also asked about addressing the limited access to remote  
reservations from the offices.

00:28:52 Sen. Moe asked about using the grand jury process to test how well a witness  
could hold up in a trial.

00:31:10 Ms. Laird

Committee Questions

00:38:52 Sen. Sands asked about sexual assault services and sentencing. Ms. Laird and  
Ms. Jackson both responded.

00:47:16 Sen. Swandal asked about domestic violence cases on the reservation and the  
rate of women perpetrators. Ms. Laird and Ms. Jackson both responded.

00:50:15 Sen. Sales asked why reservation statistics are so different in men vs. women  
committed crimes.

- 00:52:36 Rep. Pease-Lopez asked about the Crow Reservation law enforcement access. Ms. Laird and Ms. Jackson responded.
- 00:56:56 Sen. Kary asked about duplication and triplication of advocate services. Ms. Laird and Ms. Jackson responded.
- 01:02:56 Sen. Kary asked about matriarchal societies within Native American reservations. Ms. Laird and Ms. Jackson both responded.

**Panel 8: College and University Jurisdictional Challenges**

Chief Marty Ludemann, UM - Missoula Campus Police  
 Jessica Weltman, J.D., Director and Title IX Coordinator, UM - Missoula Office of Equal Employment Opportunity and Affirmative Action  
 Chief Robert Putzke, MSU - Bozeman Campus Police  
 Kate Grimes, J.D., MSU - Bozeman Office of Institutional Equity Director and Title IX Coordinator

- 01:09:04 Panel members introduced themselves.

Committee Questions

- 01:09:52 Sen. Sands asked about Title IX jurisdiction compared to state jurisdiction pertaining to sexual assault. Ms. Weltman and Ms. Grimes responded.
- 01:14:58 Sen. Kary asked about campus protocol when a complaint is received. He also asked about certification and training for university campus police officers. Mr. Putzke and Mr. Ludemann responded.
- 01:23:07 Sen. Sands asked about the standardization of training, best practices, and coordination with the Department of Justice and universities. Mr. Ludemann and Mr. Putzke responded.
- 01:27:51 Sen. Malek asked Ms. Weltman and Ms. Grimes about training for students and faculty at the universities.
- 01:37:20 Sen. Moe asked about the on-campus process for rape victims and the protection of their privacy. Ms. Grimes and Ms. Weltman responded.
- 01:47:33 Sen. Swandal asked Ms. Grimes about what can be done to the perpetrator if they are found guilty by the university.
- 01:50:18 Sen. Sands commented about limitations of the Title IX process and requested that someone from the Commissioner's office speak to the committee at a later date about best practices being implemented at universities statewide.
- 01:52:11 Rep. Pease-Lopez asked Ms. Grimes and Ms. Weltman about the delayed disclosure of victims and how that may affect the university's investigation.
- 01:53:28 Sen. Sands asked about the advocacy programs being funded at the university level. Ms. Weltman, Mr. Putzke, and Mr. Ludemann responded.

Public Comment on SJ 24: Study of Sexual Assault in Montana

- 01:56:47 Robin Turner, Montana Coalition Against Domestic and Sexual Violence, commented about advocacy, victim services, and potential data collection that may be helpful. She provided suggestions to the committee for possible future action.
- 02:01:45 Deb Matteucci, Executive Director, Montana Board of Crime Control, commented about the need for an investment in early prevention education.

Committee Questions

- 02:05:32 Sen. Swandal asked if increasing rates are related to increased amounts of reporting by victims.
- 02:06:07 Sen. Moe commented about the complexity of assaults occurring on campus.

**BREAK** (reconvened at 10:26 a.m.)

**AGENCY OVERSIGHT: ADMINISTRATIVE RULE REVIEW**

- 02:24:43 Julianne Burkhardt updated the committee on new rule activity. (**EXHIBIT 18**)

**COMMITTEE ISSUE: UPDATES ON HB 430 JUDICIAL REDISTRICTING COMMISSION AND SB 224 COMMISSION ON SENTENCING**

- 02:25:25 Ms. Weiss provided the committee with an update and brief overview on the SB 224 Commission on Sentencing.

Committee Questions

- 02:31:50 Sen. Moe asked about swift and certain sanctions and mandatory minimums.
- 02:33:53 Sen. Malek asked about restitution.
- 02:35:39 Ms. Weiss provided an update and brief overview of the HB 430 Judicial Redistricting Commission.
- 02:38:46 The committee discussed updates about the two commissions.

**COMMITTEE WORK SESSION**

- 02:39:46 The committee discussed eye-witness identification.
- 02:51:04 The committee discussed SJ 24 Study on Sexual Assault in Montana, including the need for Ms. Burkhardt and other parties to continue their review of the sexual assault statutes.
- 03:15:40 The committee discussed issues at the Montana Department of Justice.
- 03:20:53 The committee discussed public intoxication.
- 03:23:18 The committee discussed meeting dates.

**LUNCH** (reconvened at 12:29 p.m.)

Public Comment

- 04:26:56 Glen Stinar, Administrator, Montana Law Enforcement Academy, provided the committee with an update on the training plan for eyewitness best practices and standardizing training throughout the state.

**COMMITTEE ISSUE: PUBLIC INTOXICATION CHALLENGES FACING LOCAL GOVERNMENTS**

Lenette Kosovich, CEO, Rimrock  
Chief Rich St. John, Billings Police Department  
Nell Eby, Elk River Cultural Connections  
Ginny Merriam, Missoula Public Information/Communications Director  
Missoula Senior Deputy City Attorney Keithi Worthington

- 04:28:32 Panel members introduced themselves.

04:29:01 Ms. Kosovich  
04:35:24 Mr. St. John  
04:40:34 Ms. Eby  
04:45:41 Ms. Worthington  
04:50:53 Ms. Merriam  
04:58:26 Ms. Worthington

#### Committee Questions

05:00:46 Sen. Swandal asked about the costs of chronic alcoholics to counties and cities after the arrest of intoxicated individuals. Ms. Kosovich and Ms. Worthington responded.

05:04:25 Rep. Eck asked about cities' existing ability to detain certain individuals and citation vs. treatment practices. Ms. Kosovich, Ms. Eby and Ms. Worthington responded.

05:13:22 Sen. Kary asked for an explanation of what was involved when getting medical and mental facilities on board with the treatment practices in Billings. Mr. St. John responded.

05:15:50 Sen. Kary asked about local efforts that could be made. Ms. Kosovich responded.

05:18:12 Sen. Malek asked about criteria for when an intoxicated person can be detained, jail overcrowding, and the process of where to send intoxicated people. Mr. St. John responded.

05:20:24 Sen. Malek asked Ms. Merriam about the Missoula efforts to get a detox center. Mr. St. John responded as well.

05:23:34 Sen. Swandal asked if law enforcement agencies would be object to an expungement of legal infractions after an individual completes treatment successfully.

05:24:26 Sen. Moe asked about the language in SB 360 to require a decision based on appearance of the individual. Ms. Kosovich and Mr. St. John responded. She also asked about public intoxication near sports facilities and how that would be addressed. Mr. St. John responded. Lastly, she asked why there was a need for state legislation instead of a local level legal implementation.

05:30:05 Rep. Laszloffy asked Mr. St. John about adoption of city ordinances that could alleviate the issue. She also asked about the number of arrests within a limited amount of time needed, why the issue appears to only apply to alcohol and the success data available. Ms. Eby and Ms. Kosovich assisted in the response.

05:37:04 Sen. Sales asked about the resources that are missing from Missoula to implement a successful solution. Ms. Worthington responded.

#### Public Comment on Public Intoxication:

05:41:59 Brent Brooks, City Attorney for City of Billings, commented about the language in SB 360 and the current law.

05:44:05 Bruce Macintyre, Billings Chamber of Commerce, commented about the public intoxication issue in Billings.

05:45:56 Jeremy Morgret, Downtown Business Partnerships, spoke to the committee about the economic impact of public intoxicated population in downtown Billings.

05:47:36 Greg Krueger, Development Director, Downtown Billings Alliance, commented about the progression of the local law enforcement since the public intoxication issue rose immensely in Billings.

Public Comment

05:49:35      None.

**Committee Work Session**

05:50:25      The committee discussed public intoxication.

**ADJOURN**

05:51:15      Sen. Sales adjourned the meeting at 1:53 p.m.

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